

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

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No. 15-41174  
Summary Calendar

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United States Court of Appeals  
Fifth Circuit

**FILED**

April 1, 2016

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

ANDRE DONNELL ROUTT,

Defendant-Appellant

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Appeal from the United States District Court  
for the Eastern District of Texas  
USDC No. 1:94-CR-12

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Before KING, CLEMENT, and OWEN, Circuit Judges.

PER CURIAM:\*

Andre Donnell Routt, federal prisoner # 60985-079, appeals the denial of his motion to reduce his sentence under 18 U.S.C. § 3582(c)(2) based on Amendment 782 to the Sentencing Guidelines. Routt contends that he was entitled to a two-level reduction of his base offense level under Amendment 782 and that, as a result, his new base offense level would be 36.

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

## No. 15-41174

The record confirms that Routt was ineligible for a sentence reduction under § 3582(c)(2) because Amendment 782 did not lower his base offense level. Routt fails to acknowledge that he was held responsible for 42.5 kilograms and four ounces of crack cocaine and 150 kilograms of powder cocaine. Under the retroactive, amended version of U.S.S.G. § 2D1.1(c)(1), which has now taken effect, Routt has a base offense level of 38 because he was responsible for the equivalent of more than 90,000 kilograms of marijuana. *See* § 2D1.1(c)(1) (2015). His specific offense level enhancements added six more levels. Routt's total offense level of 44, together with a criminal history category of IV, results in a guidelines range of life imprisonment. *See* U.S.S.G. Ch. 5, Pt. A. Because Amendment 782 did not reduce Routt's sentencing range, the district court properly found that he was ineligible for relief under § 3582(c)(2). *See* U.S.S.G. § 1B1.10(a)(2)(B) & comment. (n.1(A)); *Dillon v. United States*, 560 U.S. 817, 826 (2010).

The judgment of the district court is **AFFIRMED**.